

City of Milwaukee - Archive

200 E. Wells Street
Milwaukee, Wisconsin

Master With Text

File Number: 890913

File ID: 890913

Type: Resolution

Status: Passed

Version: 0

Reference: 890913

Controlling Body: MAYOR

File Created: 09/01/1989

File Name:

Final Action: 09/19/1989

Title: Resolution authorizing the City Attorney to establish a not-for-profit corporation to be known as the Urban Forestry Foundation. (City Attorney)

Notes:

Sponsors: The Chair

Enactment Date:

Attachments:

Enactment Number:

Drafter:

Effective Date:

Contact: teh

Extra Date 2:

History of Legislative File

| Ver- sion: | Acting Body: | Date: | Action: | Sent To: | Due Date: | Return Date: | Result: |
|---------------|-------------------------------------|------------|-----------------------------|-------------------------------------|------------|-----------------|---------|
| 0 | COMMON COUNCIL | 09/01/1989 | REFER TO | FINANCE & PERSONNEL COMMITTEE | | | |
| 0 | FINANCE & PERSONNEL COMMITTEE | 09/06/1989 | HEARING NOTICES SENT | | | | |
| 0 | FINANCE & PERSONNEL COMMITTEE | 09/14/1989 | RECOMMENDED FOR ADOPTION | COMMON COUNCIL | 09/19/1989 | | Pass |
| 0 | COMMON COUNCIL | 09/19/1989 | ADOPTED | MAYOR | 09/28/1989 | | Pass |
| 0 | MAYOR | 09/26/1989 | SIGNED | | | | |

Text of Legislative File 890913

..NUMB:

890913

..VERS:

ORIGINAL

..XXBY:

THE CHAIR

:

Resolution authorizing the City Attorney to establish a not-for-profit corporation to be known as the Urban Forestry Foundation. (City Attorney)

:

-Analysis-

This resolution authorizes the City Attorney to establish a 501-C-3 corporation to receive forestry donations.

:

Whereas, The City of Milwaukee Department of Public Works and Bureau of Forestry desire to establish a not-for-profit 501-C-3 tax exempt corporation to be known as the Milwaukee Urban Forestry Foundation; and

Whereas, Such corporation will solicit charitable donations for non-traditional or special project forestry purposes; and

Whereas, It is contemplated that the Foundation will donate funds to the City of Milwaukee and the City of Milwaukee will budget the expenditure of such funds; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Office of the City Attorney be and hereby is authorized and directed to provide legal services in connection with the establishment of a not-for-profit sec. 501-C-3 corporation to be known as the Milwaukee Urban Forestry Foundation.

..ZDPT:

Bureau of Forestry

:

City Atty.

TEH:dms

8/18/89

Forestry of the City of Milwaukee

that the Office of the City Attorney be and hereby is authorized and directed to provide legal services in connection with the establishment of a not-for-profit sec. 501-C-3 corporation to be known as the Milwaukee Urban Forestry Foundation.

..ZDPT:

Bureau of Forestry

:

City Atty.

TEH:dms

8/18/89

Forestry

:

City Atty.

TEH:dms

8/18/89

Forestry

City of Milwaukee - Archive

200 E. Wells Street
Milwaukee, Wisconsin

Master With Text

File Number: 930380

File ID: 930380

Type: Ordinance

Status: Passed

Version: 0

Reference: 900930

Controlling Body: FINANCE &
PERSONNEL
COMMITTEE

File Created: 06/15/1993

File Name:

Final Action: 07/06/1993

Title: An ordinance relating to the acceptance and expenditure of contributions received by the city.
(City Attorney)

Notes:

Sponsors: The Chair

Enactment Date: 07/23/1993

Attachments:

Enactment Number:

Drafter:

Effective Date:

Contact: jdo

Extra Date 2:

History of Legislative File

| Ver- sion: | Acting Body: | Date: | Action: | Sent To: | Due Date: | Return Date: | Result: |
|---------------|-------------------------------------|------------|----------------------|-------------------------------------|------------|-----------------|---------|
| 0 | COMMON COUNCIL | 06/15/1993 | REFER TO | FINANCE & PERSONNEL COMMITTEE | | | |
| 0 | FINANCE & PERSONNEL COMMITTEE | 06/16/1993 | REFER TO | BUDGET AND MANAGEMENT | 07/16/1993 | 06/28/1993 | |
| 0 | FINANCE & PERSONNEL COMMITTEE | 06/30/1993 | RECOMMEND PASSAGE | COMMON COUNCIL | 07/06/1993 | | Pass |
| 0 | CITY CLERK | 07/06/1993 | PUBLISHED | DAILY REPORTER | 07/22/1993 | | |
| 0 | COMMON COUNCIL | 07/06/1993 | PASSED | MAYOR | 07/15/1993 | | Pass |
| 0 | MAYOR | 07/13/1993 | SIGNED | | | | |

Text of Legislative File 930380

..NUMB:

930380

..VERS:

ORIGINAL

..REF:

900930

..XXBY:

THE CHAIR

:

An ordinance relating to the acceptance and expenditure of contributions received by the city. (City Attorney)

..SECS:

304-24 or

:

- Analysis -

This ordinance codifies the city's procedural guidelines regarding the receipt, appropriation and expenditure of contributions. It also rescinds a previously adopted resolution (File Number 900930) which established the same guidelines.

:

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 304-24 of the code is created to read:

304-24. Contributions Received by the City. 1. DEFINITIONS. In this section:

a. "Contribution" means a gift of cash or other assets from any person to the city or any city department or employee to be expended for a specified municipal purpose, activity or facility. A grant from a governmental, commercial or nonprofit entity shall not constitute a contribution.

b. "Person" means any individual, firm, partnership, trustee, agent, association, corporation, company, governmental agency, club or organization of any kind.

2. GENERAL POLICY STATEMENT. All contributions received will be combined with other city deposits, and interest earnings on these funds will be included as general city revenue unless otherwise specified by the common council in its acceptance of a contribution. As required by the Wisconsin statutes, one-third of the interest earnings shall be deposited in the public debt amortization fund. Donors shall be notified of this statutory requirement.

3. SPECIAL PURPOSE ACCOUNT. The annual city budget shall include a special purpose account known as the "contribution fund." An annual budget for this account shall be developed in accordance with ch. 65, Wis. Stats. No transfers shall be made from the contribution fund without prior approval of the common council.

4. DEPOSIT OF CONTRIBUTIONS. All contributions to the city, city departments or city employees shall be either accepted or rejected by the common council. Accepted contributions shall be deposited in accordance with the following:

a. Contributions shall be deposited with the city treasurer in either a trust account established by the city comptroller or a revenue account established by the city comptroller. The trust account shall be part of the city's permanent improvement fund, as established by s. 304-28.

b. Contributions of cash or similar assets shall be forwarded within one working day of receipt to the city treasurer for deposit or safekeeping.

c. The decision to place a contribution in a trust account or a revenue account shall be made as follows:

c-1. The contribution shall be placed in a revenue account if it is intended for immediate expenditure by the donor, if the relevant department is willing to make a good faith effort to ensure expenditure in the current calendar year or in accordance with the carryover provisions of this section and if the donor is willing to make the contribution to the city with the knowledge that all unexpended funds will revert to the city's tax stabilization fund.

c-2. All other contributions shall be placed in a trust account.

5. APPROPRIATION AND EXPENDITURE OF CONTRIBUTION FUNDS. a. The expenditure of a contribution which has been deposited in a revenue account or a trust account shall occur only after the common council provides the necessary budgetary and expenditure authority.

b. Upon adoption of a common council resolution authorizing appropriation of contribution funds to a department for expenditure, the city comptroller shall establish a special account in the department's budget to account for the expenditure of the funds. In addition, the city comptroller shall transfer appropriations consistent with the authorizing resolution.

c. The balance in each special contribution account shall be fully encumbered by the administering city department as soon as administratively feasible. The encumbrance shall be periodically reviewed as required by the city comptroller.

d. Expenditure of contribution funds must be for the purpose or purposes specified by the donor. Expenditure for a different purpose shall require approval of the donor and acceptance by the common council, relevant common council committee or the department of administration-budget and management division, as appropriate.

e. The administering department shall be responsible for reporting to the common council on the expenditure of contributions.

f. Expenditures are to be in accordance with prescribed city policies and procedures.

6. CARRYOVER. The year-end balance in each special contribution account that has not yet been fully expended shall revert to the tax stabilization fund unless the balance is appropriated to a department and carried forward to the next budget year. The carrying over of unexpended funds in a department budget shall be limited to 3 years from the year in which the funds were appropriated from the contribution fund. The administering city department or agency is responsible for notifying the city comptroller if a carryover of funds is required.

7. DOCUMENTATION. a. When contributions are deposited in a trust account, the affected department shall prepare a plan for expenditure of the funds within one year of their receipt. This plan shall be submitted to the department of administration-budget and management division, with a copy provided to the city comptroller.

b. Documentation relating to restrictions specified by the donor or donors of a contribution, such as a will, letter of intent or similar document, shall be included in the common council resolution accepting the contribution or made part of the file as it becomes available.

Part 2. Common Council File Number 900930 is rescinded.

..LRB:

APPROVED AS TO FORM

Legislative Reference Bureau

Date:

..CATT:

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date:

..ZDPT:

City Attorney

:

LRB93185-1

JDO:jdo

5/28/93

..CATT:

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date:

..ZDPT:

City Attorney

:

LRB93185-1

JDO:jdo

5/28/93

City of Milwaukee - Archive

200 E. Wells Street
Milwaukee, Wisconsin

Master With Text

File Number: 900930

| | | |
|-----------------|-------------------|-------------------------------------------------|
| File ID: 900930 | Type: Resolution | Status: Passed |
| Version: 1 | Reference: 900930 | Controlling Body: FINANCE & PERSONNEL COMMITTEE |
| | | File Created: 09/25/1990 |
| File Name: | | Final Action: 10/16/1990 |

Title: Substitute resolution amending the guidelines for the acceptance and authorization of expenditures for contributions received by the City.

Notes:

Sponsors:

Enactment Date:

Attachments:

Enactment Number:

Drafter:

Effective Date:

Contact: amb

Extra Date 2:

History of Legislative File

| Ver- sion: | Acting Body: | Date: | Action: | Sent To: | Due Date: | Return Date: | Result: |
|---------------|-------------------------------|------------|--------------------------|-------------------------------|------------|-----------------|---------|
| 0 | COMMON COUNCIL | 09/25/1990 | REFER TO | FINANCE & PERSONNEL COMMITTEE | | | |
| 0 | FINANCE & PERSONNEL COMMITTEE | 09/26/1990 | REFER TO | BUDGET AND MANAGEMENT | 12/25/1990 | 10/09/1990 | |
| 1 | FINANCE & PERSONNEL COMMITTEE | 10/10/1990 | RECOMMENDED FOR ADOPTION | COMMON COUNCIL | 10/16/1990 | | Pass |
| 1 | COMMON COUNCIL | 10/16/1990 | ADOPTED | MAYOR | 10/25/1990 | | Pass |
| 1 | MAYOR | 10/19/1990 | SIGNED | | | | |

Text of Legislative File 900930

..NUMB:

900930

..VERS:

Substitute 1

..REF:

File Number 86-1389

..XXBY:

:

Substitute resolution amending the guidelines for the acceptance and authorization of expenditures for contributions received by the City.

:

- Analysis -

This resolution clarifies applicable procedural guidelines regarding contributions including the clarification of interest earned on contributions and a mechanism to handle contributions that will not be expended within 3 years.

:

Whereas, On December 16, 1986, the Common Council adopted Resolution File Number 86-1389 which provided guidelines regarding the authorization of expenditures for contributions received by the City; and

Whereas, These guidelines are in need of certain revisions; and

Whereas, The revisions have been reviewed and approved by the City Attorney, the City Comptroller and the Department of Administration; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council File Number 86-1389 is rescinded and that the following procedural guidelines regarding the administration of contributions will be effective upon adoption of this resolution:

I. DEFINITION:

Contributions - A gift of cash or other asset from any individual or group of individuals to the City, a City Department, or City employee to be used or expended for a specified municipal purpose, activity, or facility. This does not include grants as defined in Common Council File Number 872120, adopted 2/18/88, or its successor.

II. CITY BUDGET:

The Annual Budget for a Special Purpose Account - Contribution Fund shall be developed in accordance with Chapter 65 of the Wisconsin State Statutes. No transfers shall be made from the Special Purpose Account - Contribution Fund without prior approval of the Common Council.

III. DEPOSIT OF CONTRIBUTION:

All contributions received by the City, City Departments, or City employees must be accepted by the Common Council. Contributions shall be deposited, as directed by the Common Council, with the City Treasurer either in a trust account established by the City Comptroller or a revenue account established by the City Comptroller. A trust account is part of the City's permanent improvement fund as established by City of Milwaukee Code of Ordinances 304-28. Contributions of cash or similar assets shall be forwarded within one working day of receipt to the City Treasurer for deposit or safekeeping.

The decision to place the contributions in trust or revenue should be made as follows:

The contribution should be deposited in a revenue account if it is intended for immediate expenditure by the donor, and the department is willing to make a good faith effort to ensure expenditure in the current calendar year or within the carryover provisions as provided in this resolution. In addition, the donor is willing to make the contribution to the City with the knowledge that all unexpended funds will revert to the City's Tax Stabilization Fund. All other contributions should be placed in a trust account. The expenditure of the Contribution in either instance is predicated on the adoption of a resolution by the Common Council that provides the necessary budgetary and expenditure authority.

IV. ESTABLISHMENT OF CONTRIBUTION SPECIAL ACCOUNTS AND TRANSFER OF FUNDS:

Upon adoption of a resolution authorizing appropriation of the contribution to a department for expenditures, the City Comptroller shall establish a special account within the department's budget to account for the expenditure of the contribution. In addition, the City Comptroller shall transfer appropriations consistent with the authorizing Common Council Resolution.

The balance in each special contribution account shall be fully encumbered by the Administering City Department as soon as administratively feasible. The encumbrance shall be periodically reviewed as required by the Office of the City Comptroller.

V. EXPENDITURES OF CONTRIBUTION FUNDS:

Expenditures of the funds must be for the purpose or purposes specified by the donor. Expenditure for a different purpose shall require approval of the donor and acceptance by the Common Council or Finance and Personnel Committee or DOA - Budget as appropriate. The administering department is responsible for reporting to the Common Council on the expenditure of the contributions.

Expenditures are to be in accordance with prescribed City policies and procedures.

VI. CARRYOVER:

The year-end balance in each special contribution account that has not yet been fully expended shall lapse unless the balance is appropriated to a department and carried forward to the next budget year. The carrying over of unexpended funds in a department budget shall be limited to 3 years from the year in which the funds were appropriated from the Special Purpose Account. The administering City Department or Agency is responsible for notifying the City Comptroller if a carryover of funds is not required.

VII. GENERAL POLICY STATEMENT:

All contributions received will be combined with other City deposits and interest earnings on these funds will be included as general City revenue unless otherwise specified by the Common Council in its acceptance of the contribution. In any case, State Statutes mandates the deposit of one-third of the interest earnings to the Public Debt Amortization Fund and donors must be notified of this statutory requirement.

VIII. DOCUMENTATION:

Funds placed in trust require that the affected department prepare a plan for expenditure of funds within one year of the receipt of funds which is to be submitted to DOA - Budget, with a copy to the City Comptroller. Documentation as to Specified Donor Restrictions must be included (i.e. wills, letter of intent) in the Common Council resolution accepting the contribution or made part of the file as they become available.

:

Office of the Comptroller

JAM:AMB:pd

10/05/90ted

to 3 years from the year in which the funds were appropriated from the Special Purpose Account. The

administering City Department or Agency is responsible for notifying the City Comptroller if a carryover of funds is not required.

VII. GENERAL POLICY STATEMENT:

All contributions received will be combined with other City deposits and interest earnings on these funds will be included as general City revenue unless otherwise specified by the Common Council in its acceptance of the contribution. In any case, State Statutes mandates the deposit of one-third of the interest earnings to the Public Debt Amortization Fund and donors must be notified of this statutory requirement.

VIII. DOCUMENTATION:

Funds placed in trust require that the affected department prepare a plan for expenditure of funds within one year of the receipt of funds which is to be submitted to DOA - Budget, with a copy to the City Comptroller. Documentation as to Specified Donor Restrictions must be included (i.e. wills, letter of intent) in the Common Council resolution accepting the contribution or made part of the file as they become available.

Office of the Comptroller
JAM:AMB:pd
10/05/90

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
CHARLES R. THEIS
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY

800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 278-2601
FAX (414) 226-8550

WILLIAM J. LUKACEVICH
NICHOLAS M. SIGEL
JOSEPH H. MCGINN
BEVERLY A. TEMPLE
THOMAS O. GARTNER
LINDA ULISS BURKE
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
SCOTT G. THOMAS
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
M. JOSEPH DONALD
DAVID J. STANOSZ
MARY M. BUKAVINA
KATHRYN M. WEST
SUSAN E. LAPPEN
DAVID R. HALBROOKS
KENNETH MUNSON

Assistant City Attorneys

March 18, 1991

David Huntington
Executive Director
The Milwaukee Foundation
1020 North Broadway
Suite 211
Milwaukee, WI 53202

Re: Milwaukee Urban Forestry Fund

Dear Mr. Huntington:

Enclosed for your files is a copy of the executed agreement which sets up the Milwaukee Urban Forestry Fund.

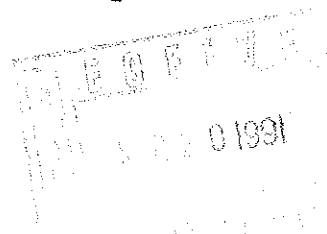
Someone from the City will be in touch with you shortly regarding the administration of this fund. Until then, if you should have any questions, please feel free to contact me at 278-2601.

Very truly yours,

KATHRYN M. WEST
Assistant City Attorney

KMW:pm1

Enc.



891962

AGREEMENT

AGREEMENT made this 28th day of January, 1991, by and between the CITY OF MILWAUKEE (the "City"), a Wisconsin municipal corporation, and the MILWAUKEE FOUNDATION (the "Foundation").

WHEREAS, the City recognizes the importance of the urban environment, and strives to improve the quality of life for its citizens above and beyond the level normally supported by tax dollars by fostering in its citizens increased awareness of urban vegetation and other environmental concerns; and

WHEREAS, to this end, in 1990, the City established an annual campaign for the purpose of soliciting contributions from its own employees to further these charitable ends and has, as of December 31, 1990, collected \$9169.30; and

WHEREAS, the City wishes to establish a tax-exempt vehicle for accepting such contributions which shall be used for specified projects involving beautification of the City of Milwaukee and education of its citizens as to the importance of environmental awareness; and

WHEREAS, the Foundation is a community trust, a public, non-profit organization which receives charitable gifts, establishes specified funds, and administers them as a permanent endowment to benefit the residents of the City of Milwaukee community; now, therefore:

IT IS MUTUALLY AGREED by and between the City and the Foundation that:

1. The City will transfer all Urban Forestry funds collected from its employees as a gift to the Foundation for the purpose of establishing a component fund which shall be known as the "Milwaukee Urban Forestry Fund" (the "Fund") and shall be identified as such by the Foundation and the Trustee in the course of the administration and distribution thereof.

2. The Fund shall consist of this gift, together with any additional gifts which may hereafter be made by any donors to the fund.

3. The City will periodically transfer to the Fund all contributions collected from its employees or any other source.

4. The Fund shall be held and administered by the Marshall & Ilsley Trust Company as trustee (the "Trustee").

5. Principal and income of the Fund shall be distributed periodically as a contribution to the City of Milwaukee pursuant to the requirements of resolution file number 900930 and as it might be amended from time to time, based upon recommendations made by a committee consisting of the Mayor of the City of Milwaukee, the President of the Milwaukee Common Council and the President of the Arts Board, or their respective designees, for the purpose of funding specified projects involving beautification of the City of Milwaukee and education of its citizens as to the importance of environmental awareness.

6. Up to 15% of the revenues raised from the City's annual campaign for this Fund may be distributed yearly upon the recommendation of the committee described in Paragraph 5, to one or more non-profit organizations, including the Milwaukee Public

Library Foundation, the United Performing Arts Fund and Friends of the Pabst Theater, and the City of Milwaukee for the sole purpose of providing reimbursement of costs incurred incidental to fund-raising activities conducted on behalf of the Milwaukee Urban Forestry Fund.

7. The Foundation agrees to maintain and provide the City of Milwaukee with access to records of contributions to, and distributions from, the Fund for the purpose of providing assurance that funds collected from City employees are being used in accordance with the provisions of this agreement.

8. It is understood that the Committee recommendations referred to in Paragraph 5 shall be advisory only, will not be binding upon the Foundation, and will not be the sole criteria used by the Foundation in determining whether to make distributions from the Fund. If no recommendations have been received by the Foundation at the time it considers distributions or if the Foundation, in its discretion, determines not to follow any such recommendations, the income and principal of the Fund shall, in the discretion of the Foundation's Board, either be accumulated or distributed to the City for such purposes consistent with the purposes of the Fund as the Board, in its sole discretion, shall determine. The City hereby acknowledges receipt of the Foundation's current guidelines for advised funds and the Foundation's current grant guidelines.

9. Notwithstanding anything herein to the contrary, the Fund shall at all times be held and administered in accordance with the provision of the Foundation's Declaration of

Trust as it now exists or as it may hereafter be amended (the "Declaration"), all of which are hereby accepted and agreed to by the undersigned, including those provisions relating to amendment, termination and variance from donors' directions. The undersigned acknowledges that under the provisions of the Declaration and applicable tax regulations, the Board of the Foundation has the power and the duty to modify any restriction or condition on the distribution of funds for any specified charitable purpose or organization, if, in the sole judgment of the Foundation's Board (without the approval of any participating trustee, custodian or agent), such restriction or condition becomes, in effect, unnecessary, incapable of fulfillment or inconsistent with the charitable needs of the City of Milwaukee Community (as defined in the Declaration).

IN WITNESS WHEREOF, the parties hereto have by their duly authorized officers executed this Agreement as of the day and year first above written.

Signed in the presence of:

Doris H. Davies
(Seal)

THE MILWAUKEE FOUNDATION

William
Executive Director and Secretary

CITY OF MILWAUKEE, a
municipal corporation

Rich. E. Wyttenbach
(Seal)

John O'Donoghue
Mayor

Kathleen H. Mollica
(Seal)

Ronald Leonhardt
City Clerk

Countersigned by:

Mary Ann Dugan
(Seal)

DEPUTY

City Comptroller

GN